

1984 WL 249706 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 30, 1984

***1 Re: Section 174, 1984-1985 Annual Appropriations Act**

John Hamilton
Director
South Carolina Aeronautics Commission
Post Office Drawer 1987
Columbia, South Carolina 29202

Dear Mr. Hamilton:

In our recent meeting, you inquired whether or not the attached form entitled 'Flight Log' would meet new requirement imposed upon you by Section 174 of the 1984-1985 Annual Appropriations Act. I have reviewed the form and find that it meets the requirements of the Act, with one exception. That exception is the 'statement certifying and describing official nature of the trip' portion of the form. Section 174 of the Appropriations Act provides, in part that ' . . . no state official shall use any aircraft of the Aeronautics Commission unless the member of official first files with the Aeronautics Commission a sworn statement certifying and describing the official nature of his trip . . . '. (emphasis added) The term 'sworn statement' is not defined in Section 174, but has generally been interpreted to mean a statement under oath, given before a person authorized to take oath. See, E.G., [In re Merritts Estate 65 N.Y.S. 2d 206, 187 Misc. 869 \(1946\)](#). In South Carolina, [Section 26-1-90 of the Code of Laws of South Carolina](#), 1976, vests in notaries public the general power to administer oaths and to take depositions or affidavits. Therefore, the 'sworn statement' required by Section 174 of the 1984-1985 Annual Appropriations Act must be given before a notary public. The statement should also indicate that the trip is for the official business of the State of South Carolina, and describe the nature of the trip.

I trust that this response satisfactorily answers your inquiry. Should there be other questions, please contact me or Chief Deputy Attorney General, Joseph A. Wilson, II, who has recently undertaken the responsibility for representation of the Aeronautics Commission.

Yours very truly,

M. Richbourg Roberson
Sr. Assistant Attorney General

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